HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.NO.2556 OF 2000

DATED: 4.8.2005

Between:

Sura Narasimha

… Petitioner

and

The District Legal Services Authority,

Represented by its Chairman, Guntur, and

others

… Respondents

ORAL ORDER:

This writ petition has been filed, questioning the award passed by the 2nd respondent-Lok Adalat, Sattenapalli, in O.S.No.86 of 1995 dated 5.2.2000.

The petitioner was the plaintiff in O.S.No.86 of 1995, on the file of the

Principal Munsif Magistrate, Sattenapalli. There was a dispute with regard to the joint wall of the petitioner and his neighbour on the western side, who is impleaded as the 4th respondent herein, against whom the petitioner preferred the said suit for permanent injunction. On a joint memo filed by the parties, the matter was referred to the Lok Adalat.

As per the award of the Lok Adalat, Sattenapalli, the plaintiff should construct a wall in the place of the demolished portion of the common wall with a width of 9 inches, at his own cost. There were also other directions issued in this regard and it is also directed that if the plaintiff-petitioner fails to construct the wall within the stipulated time, the defendant-4th respondent shall be at liberty to construct such party wall according to the specifications, to which the petitioner and his advocate were the signatories.

This writ petition is mainly filed on the ground that the award is biased and the terms of the award are one-sided.

Learned counsel for the petitioner submits that the said award is not a settlement, within the meaning of the provisions under the A.P. Legal Services Authority Act. Further, it is also stated that, without explaining the contents of the award, signatures were obtained. In this regard, learned counsel placed reliance on the judgment of the Apex Court reported in STATE OF PUNJAB AND OTHERS V. PHULAN RANI AND ANOTHER (1.).

I have perused a copy of the award passed by the Lok Adalat, Sattenapalli. When the petitioner is signatory to the said award, it is not open for him to contend that the same is one-sided and biased. Merely because some conditions imposed in the award are not acceptable, it cannot be said that the award is one-sided. When once the matter is referred to the Lok Adalat, basing on a joint memo filed by the parties, and when the Lok Adalat passed award, for which the petitioner and his

advocate are the signatories, the same cannot be challenged in a writ petition filed under Article 226 of the Constitution of India. This court in a decision reported in BOARD OF TRUSTEES OF THE PORT, VISAKHAPATNAM V. PRESIDING OFFICER (2.) held that when a decision is given after notice to all concerned parties, it is binding on them as a decree of Civil Court passed on the basis of compromise and no appeal lies against the said order.

Further, though the learned counsel for the petitioner placed reliance on the decision cited 1 supra, but in the said case, the Supreme Court observed that when the case did not involve compromise or settlement, the Lok Adalat could not have disposed the matter. But, in this case, having regard to the contents of the joint memo, it is a clear case where settlement is arrived at between the parties. In that view of the matter, the judgment relied on by the petitioner cited 1 supra, cannot be made applicable to the facts of the present case. In that view of the matter, I do not see any merit in this writ petition.

The writ petition is devoid of merits and the same is accordingly dismissed. No order as to costs.

4.8.2005

CVM